

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
ARIFKHAN PATHAN,  
  
Defendant.

Case No. CR21-10RSL

ORDER GRANTING  
UNOPPOSED MOTION TO  
CONTINUE TRIAL AND  
PRETRIAL MOTIONS DUE  
DATE

This matter comes before the Court on defendant's "Fifth Unopposed Motion to Continue Trial and Pretrial Motions Deadline." (Dkt. # 38). Having considered the facts set forth in the motion, and defendant's knowing and voluntary waiver (Dkt. # 39), the Court finds as follows:

1. The Court adopts the facts set forth in the unopposed motion: in particular, defendant and the government are engaged in negotiations that may lead to a resolution of the case. In the alternative, defendant requires additional time to secure the presence of witnesses based in India, as well as to review extensive discovery and prepare for trial. The Court accordingly finds that a failure to grant a continuance would deny counsel, and any potential future counsel, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

2. The Court finds that a failure to grant a continuance would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

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MOTION TO CONTINUE TRIAL - 1

1           3.       The Court finds that the additional time requested between the current trial date of  
2 March 13, 2023, and the proposed trial date of October 23, 2023, is a reasonable period of delay.  
3 The Court finds that this additional time is necessary to provide defense counsel reasonable time  
4 to prepare for trial, as defendant has requested more time to prepare for trial, to continue to  
5 investigate the matter, to gather evidence material to the defense, and to consider possible  
6 defenses. The additional time requested between the current trial date and the new trial date is  
7 necessary to provide counsel for the defendant the reasonable time necessary to prepare for trial,  
8 considering all of the facts set forth above.

9           4.       The Court further finds that this continuance would serve the ends of justice, and  
10 that these factors outweigh the best interests of the public and defendant in a speedier trial,  
11 within the meaning of 18 U.S.C. § 3161(h)(7)(A).

12           5.       Defendant has signed a waiver indicating that he has been advised of his right to a  
13 speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived  
14 that right and consented to the continuation of his trial to a date up to and including November  
15 13, 2023, Dkt. # 39, which will permit his trial to start on October 23, 2023.

16           IT IS HEREBY ORDERED that the trial date shall be continued from March 13, 2023,  
17 to October 23, 2023, and pretrial motions are to be filed no later than September 18, 2023;

18           IT IS FURTHER ORDERED that the period of time from the date of this Order, up to  
19 and including the new trial date, shall be excludable time pursuant to the Speedy Trial Act, 18  
20 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting of this motion  
21 is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A), and  
22 (h)(7)(B).

23           DATED this 13th day of March, 2023.

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27           Robert S. Lasnik  
28           United States District Judge